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10/570,027	03/01/2006	Yutaka Ueda	02860.1036	1137
22852	7590	10/07/2009	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			HARVEY, DAVID E	
			ART UNIT	PAPER NUMBER
			2621	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/570,027

**Applicant(s)**

UEDA, YUTAKA

**Examiner**

DAVID E. HARVEY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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**1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.**

**2. The following is a quotation of the second paragraph of 35 U.S.C. 112:**

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**3. Claims 10-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

1) In claim 1, line 4, "the previously written specific information" recitation is indefinite because it has not clear antecedent basis: i.e., a step/section for previously "storing" specific information has not been recited previously. Clarification is needed. Similar clarification is needed: in line 3 of claim 14 and line 3 of claim 18.

**4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**5. Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by conventional image recording mediums.**

A) The examiner notes that the preamble of independent claim 18 [note lines 1-2 thereof], as well as that of claims 19-21 that depend therefrom, indicates that the claim is directed to a "recording medium" per se. However, the body of claim 18 [note lines 3-5], as well as that of claims 19-21 that depend therefrom, do not set forth the structure of the recording medium either in terms of its physical structure and/or in terms of a data structure stored thereon. Rather the body of claim 18, as well as that of claims 19-21 that depend therefrom, simply recites that "specific information" has been stored on the medium wherein this stored information has a specific "intended use"; e.g., note the "which is used for" recitation in line 3 of claim 18 that exists within the "wherein" clause of lines 3-5. Such recitation of "intended use" cannot be relied upon to distinguish that which is claimed over "prior art".

B) The examiner takes Official Notice that image storing mediums, having specific information stored thereon, were notoriously well known in the art at the time of applicant's invention [e.g., memory card, DVDs, CDs, etc.,...]. For the reasons set forth in part A above, the examiner maintain that instant claims 18-20 are anticipated by such convention storage mediums.

**6. Claims 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Document #2003-069935 to Takemura et al (machine generated translation attached hereto).**

A) The examiner notes that the preamble of independent claim 18 [note lines 1-2 thereof], as well as that of claims 19-21 that depend therefrom, indicates that the claim is directed to a "recording medium" per se. However, the body of claim 18 [note lines 3-5], as well as that of claims 19-21 that depend therefrom, do not set forth the structure of the recording medium either in terms of its physical structure and/or in terms of a data structure stored thereon. Rather the body of claim 18,

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as well as that of claims 19-21 that depend therefrom, simply recites that "specific information" has been stored on the medium wherein this stored information has a specific "intended use"; e.g., note the "which is used for" recitation in line 3 of claim 18 that exists within the "wherein" clause of lines 3-5. Such recitation of "intended use" cannot be relied upon to distinguish that which is claimed over "prior art".

B) The examiner notes that Takemura et al describes a image information recording medium (e.g., "SmartMedia") having previously recorded specific information recorded thereon (i.e., the media ID recorded at the manufacture) [Note paragraph 0012 of the attached translation]. For the reasons set forth in part A above, the examiner maintain that instant claims 18-20 are anticipated by this showing. However, for completeness, it is noted that this previously recorded specific information, along with other specific information, is used in the automatic generation of a directory and folders therein given at least one preprogrammed directory/folder generating rule [note paragraphs 0026-0035 of the provided translation].

**7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #2003-069935 to Takemura et al.**

A) The examiner notes that Takemura et al. describes a image information recording medium (e.g., "SmartMedia") having previously recorded specific information recorded thereon (i.e., the media ID recorded at the manufacture) [Note paragraph 0012 of the attached translation. It is noted that this previously recorded specific information, along with other specific information, is used in the automatic generation of a directory and folders therein given at least one preprogrammed directory/folder generating rule [Note: paragraphs 0026-0035 and directory "54" of Figure 6 of the attached translation]. The examiner contends that the system disclosed by Takemura et al. (e.g., @ Figure 6) includes:

- 1) A first information recording medium (@ 12) having the previously recorded specific information recorded thereon;
- 2) A section (e.g., @ 52) for reading the previously recorded "specific information" from the first medium;
- 3) A section (@ 52) for creating a directory/folder (e.g., @ 54) for image data management (e.g., @ 54) of a second recording medium (e.g., the HDD of element 52), using the recorded specific information when said specific information exists on the first medium (i.e., has been recorded thereon); and
- 4) A section (e.g., @ 53) for inputting and storing image data into the generated directory/folder of the second recording medium.

Claim 10 differs from the showing of Takemura et al. only in that the generated directory/folder Takemura et al. is recorded on a second archiving recording medium (@ 52) rather than the first recording medium (@ 12) on which the specific information has been written.

The examiner takes Official Notice that it was notoriously well known in the art that "SmartMedia" of the type described in Takemura et al. had become so large that it was desirable to have provided directory/folder generating circuitry within digital cameras themselves for storing the captured digital images on the recording medium thereof. As such, the examiner maintains that it would have been obvious to one of ordinary skill in the art to have modified the camera (@ 1 in Figure 6) of Takemura et al. to generate a directory/folder for storing the captured/inputted images on the first recording medium (@ 12). The examiner maintained that generating such a directory/folder in the manner described in Takemura et al. for the second medium (@ 52), i.e., from the recorded specific information, would have been obvious so as to obtain like benefits.

9. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #2003-069935 to Takemura et al. for the same reasons explained above with respect to claim 10.**

10. **Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #2003-069935 to Takemura et al. for the same reasons explained above with respect to claim 10.**

11. **Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #2003-069935 to Takemura et al. for the same reasons explained above with respect to claim 10.**

12. **Claim 12 is under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #2003-069935 to Takemura et al., for the reasons set forth above with respect to claim 10, in view of US Patent #7,085,767 to Kusama. Additionally:**

Claims 12 further differs from the showing of Takemura et al. in that it recites various other forms/representations of "specific information" that can be used in the directory/folder generating. Kusama is cited because it evidences that fact that it was known in the art to have used Meta data, of the type recited in the claim, to generate image directory/folder information [Note: Figure 10; and lines 40-52 of column 10]. In light of this showing, the examiner maintains that it would have been obvious to have modified the directory/folder generating section in Takemura et al. to include other forms of Meta data (i.e., the forms disclosed in Kusama).

13. **Claim 13 is under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #2003-069935 to Takemura et al., for the reasons set forth above with respect to claim 11, in view of US Patent #7,085,767 to Kusama. Additionally:**

Claims 13 further differs from the showing of Takemura et al. in that it recites various other forms/representations of "specific information" that can be used in the directory/folder generating. Kusama is cited because it evidences that fact that it was

known in the art to have used Meta data, of the type recited in the claim, to generate image directory/folder information [Note: Figure 10; and lines 40-52 of column 10]. In light of this showing, the examiner maintains that it would have been obvious to have modified the directory/folder generating section in Takemura et al to include other forms of Meta data (i.e., the forms disclosed in Kusama).

**14. Claim 16 is under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #2003-069935 to Takemura et al., for the reasons set forth above with respect to claim 14, in view of US Patent #7,085,767 to Kusama. Additionally:**

Claims 16 further differs from the showing of Takemura et al in that it recites various other forms/representations of "specific information" that can be used in the directory/folder generating. Kusama is cited because it evidences that fact that it was known in the art to have used Meta data, of the type recited in the claim, to generate image directory/folder information [Note: Figure 10; and lines 40-52 of column 10]. In light of this showing, the examiner maintains that it would have been obvious to have modified the directory/folder generating section in Takemura et al to include other forms of Meta data (i.e., the forms disclosed in Kusama).

**15. Claim 17 is under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document #2003-069935 to Takemura et al., for the reasons set forth above with respect to claim 15, in view of US Patent #7,085,767 to Kusama. Additionally:**

Claims 13 further differs from the showing of Takemura et al in that it recites various other forms/representations of "specific information" that can be used in the directory/folder generating. Kusama is cited because it evidences that fact that it was known in the art to have used Meta data, of the type recited in the claim, to generate image directory/folder information [Note: Figure 10; and lines 40-52 of column 10]. In light of this showing, the examiner maintains that it would have been obvious to have modified the directory/folder generating section in Takemura et al to include other forms of Meta data (i.e., the forms disclosed in Kusama).



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**16. The following "prior art" is noted:**

A) US Patent #7,187,407 to Kanehiro et al.:

Kanehiro has been cited for its discussion of a file/folder generation system (Note: lines 46-62 of column 6; lines 25-64 of column 7; and lines 27-33 of column 9);

B) US Patent Document #2004/0075746 to Takamine et al.:

Takamine et al. has been cited for its discussion of a file/folder generation system (Note paragraph 0052).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

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